

THE WAR REPORT 2017

GANG VIOLENCE IN COLOMBIA, MEXICO AND EL SALVADOR



DECEMBER 2017 | ANA BALCAZAR MORENO, XIMENA MERCEDES GALVEZ LIMA, JULIE LAMBIN, LINA RODRIGUEZ

INTRODUCTION

In recent years, Latin America has witnessed an increase in the rate of violence and the forced displacement of thousands of people due to insecurity and confrontations between state forces and armed gangs or between these gangs themselves. This article analyses three case studies of countries that have stood out for their elevated rate of violence, violent homicides and criminal activities: Colombia, Mexico and El Salvador. These countries are severely scourged by the expansion of the phenomena of urban gangs, gang violence and organized crime.

As pointed out by Hazen, there is no universally accepted definition of armed groups.¹ However, the United Nations (UN) Office for the Coordination of Humanitarian Affairs (OCHA) has identified non-state armed groups as those who have ‘the potential to employ arms in the use of force to achieve political, ideological or economic objectives; are not within the formal military structures of States, State-alliances or intergovernmental organizations; and are not under the control of the State(s) in which they operate’.² Consequently, gangs can be considered as non-state armed groups categorized as a type of actor that carries out criminal and violent activities and can operate in urban and non-urban, big or small, cities and where its members may be marginalized from broader society. Its members have no single ethnicity and are usually young (aged between 12 and 30 years).³ Gangs can be

Gangs can be loosely organized and moderately or highly cohesive; their longevity can range from a few months to decades and, most importantly, a key characteristic that distinguishes gangs from other non-state armed groups is that they do not seek to overthrow the state.



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1 J. M. Hazen, ‘Understanding Gangs as Armed Groups’, 92 *International Review of the Red Cross* 878 (2010), 373.

2 UN Office for the Coordination of Humanitarian Affairs (OCHA), *Humanitarian Negotiations With Armed Groups. A Manual for Practitioners*, January 2006, p 6, <https://www.unocha.org/sites/unocha/files/HumanitarianNegotiationswArmedGroupsManual.pdf> (last accessed 6 December 2017).

3 Hazen, ‘Understanding Gangs as Armed Groups’, supra fn 1, 375–376.

loosely organized and moderately or highly cohesive; their longevity can range from a few months to decades and, most importantly, a key characteristic that distinguishes gangs from other non-state armed groups is that they do not seek to overthrow the state.⁴ Hazen maintains that gangs, when institutionalized, can evolve into criminal organizations.⁵

GANG VIOLENCE IN COLOMBIA

With the 2016 peace agreement between the Colombian Government and the the Revolutionary Armed Forces of Colombia – People’s Army (FARC-EP),⁶ and the ongoing negotiations between the Government and the National Liberation Army (ELN),⁷ the panorama of conflicts within the country has improved.⁸

However, while violence has decreased in Colombia⁹, it still persists.¹⁰ Indeed, the 23rd report on the Organization of American States Mission to Support the Peace Process in Colombia (MAPP/OAS)¹¹ depicts an expansion of the ELN’s power and the appearance of new illegal armed groups of a diverse nature, who dispute the control of the illicit economies and the territories vacated by the demobilization of the FARC-EP.¹² In this setting, the civilian population has been subject to extortion,

4 Ibid, 376.

5 Ibid.

6 ‘Congreso refrendó el acuerdo de paz con las Farc’, *Vanguardia Liberal*, 30 November 2016 <http://www.vanguardia.com/colombia/381508-congreso-refrendo-el-acuerdo-de-paz-con-las-farc>; J. Partlow and N. Miroff, ‘Colombia’s Congress Approves Historic Peace Deal with FARC Rebels’, *The Washington Post*, 30 November 2016, https://www.washingtonpost.com/world/the_americas/colombian-congress-approves-historic-peace-deal/2016/11/30/9b2fda92-b5a7-11e6-939c-91749443c5e5_story.html?utm_term=.469da44c032a.

7 ‘Se inicia cuarto ciclo de diálogo Gobierno-Eln con firme cese el fuego’, *El Tiempo*, 23 October 2017, <http://www.eltiempo.com/politica/proceso-de-paz/se-inicia-cuarto-ciclo-de-dialogo-entre-el-gobierno-y-el-eln-143860>.

8 See UNSC Res 2381, 5 October 2017. However, there are still some outbursts. For instance, on 30 October 2017, despite the ceasefire agreed with the Government, the ELN claimed responsibility for the murder of Aulio Isaramá Forastero, an indigenous governor in the Department of Chocó. ‘Eln reconoce asesinato de gobernador indígena en Chocó’, *El Tiempo*, 30 October 2017, <http://www.eltiempo.com/politica/proceso-de-paz/eln-reconoce-asesinato-de-gobernador-indigena-en-choco-146142>; ‘Gobierno dice que asesinato de indígena viola cese al fuego con Eln’, *El Tiempo*, 10 November 2017, <http://www.eltiempo.com/justicia/conflicto-y-narcotrafico/gobierno-dice-que-el-eln-viola-el-cese-al-fuego-150110>.

9 According to the Washington Office on Latin America (WOLA), ‘[i]n 2016, only 216 members of the Colombian security forces, guerrilla groups, or paramilitary groups died in situations that could be defined as combat – a 46 percent drop from 2015, and a 93 percent drop from a decade earlier’. A. Isacson, ‘Some of the Many Reasons Why the United States Should Keep Supporting Colombia’s Peace Accord’, WOLA, 27 January 2017, <https://www.wola.org/analysis/many-reasons-united-states-keep-supporting-colombias-peace-accord/> (last accessed 6 December 2017).

10 ‘Se desactiva la guerra, pero la violencia sigue en Colombia’, *El Espectador*, 8 April 2017, <https://www.elespectador.com/noticias/nacional/se-desactiva-la-guerra-pero-la-violencia-sigue-en-colombia-articulo-688480>.

11 Twenty-Third Report of the Secretary General to the Permanent Council on the Organization of American States Mission to Support the Peace Process in Colombia (MAPP/OAS). The report is the result of 959 field missions carried out from 1 August 2016 to 31 January 2017.

12 Ibid, p 2.

confinement, forced displacement, gender-based violence and recruitment of minors, as well as the use of weapons as anti-personnel mines¹³ and improvised explosive devices.¹⁴

In 2008, the Colombian Government determined that these new illegal armed structures were present in 179 municipalities of 28 departments.¹⁵ However, it maintains that they are not part of organized crime structures and, as the International Criminal Court (ICC) underlined in its 2012 Interim Report, 'does not consider them as organized armed groups that are parties to the armed conflict'.¹⁶

In 2016 the Colombian Ministry of Defense adopted Directive 015,¹⁷ which qualifies some of these groups – that have reached a high level of hostilities and organization in the armed structure – as Organized Armed Groups (OAG) and allows the police and the rest of the public forces to fight them with 'all the strength of the state', including air force bombers, infantry operations and military intelligence.¹⁸

In this regard, the Minister of the Interior added that 'if necessary, with the fulfillment of all the norms of international humanitarian law, the possibility of our military forces bombarding those high-value objects is thus authorized'.¹⁹

THE ACTORS INVOLVED

The term 'criminal bands' (BACRIM) has been used by the Colombian Government to identify the new illegal armed groups that have emerged since 2006,²⁰ and which, due to their constant transformations and changes in denomination, are difficult to identify.²¹

13 J. G. Mercado, 'Bandas criminales siembran minas en varias zonas del país', *El Tiempo* 27 May 2013, <http://www.eltiempo.com/archivo/documento/CMS-12825863>.

14 Twenty-Third Report of the Secretary General to the Permanent Council on the OAS Mission, supra fn 11, p. 2.

15 República de Colombia y Observatorio del Programa Presidencial de Derechos Humanos y DIH, *Dinámica de las bandas asociadas al narcotráfico después de la desmovilización de las autodefensas: 2005-mediados de 2008*. June 2009, p. 18, <http://historico.derechoshumanos.gov.co/Observatorio/Publicaciones/Documents/LibroBandasArmadoWEB.pdf> (last accessed 1 December 2017).

16 ICC Office of the Prosecutor, *Situation in Colombia: Interim Report*, November 2012, p. 3.

17 República de Colombia Ministerio de Defensa Nacional, *Directiva Permanente no 0015*, 22 April 2016.

18 'Gobierno cambia estrategia contra las bacrim; las califica como Grupos Armados Organizados y ordena bombardeos en su contra', RCN Radio, 5 May 2016, <http://www.rcnradio.com/nacional/gobierno-cambia-estrategia-las-bacrim-las-califica-grupos-armados-organizados-ordena-bombardeos/>.

19 'Gobierno dice que garantizará cumplimiento del DIH en bombardeos a las bacrim, ahora GAO' RCN Radio, 6 May 2016, <http://www.rcnradio.com/nacional/politica/gobierno-garantiza-cumplimiento-del-dih-bombardeo-las-bacrim/>.

20 J. D. Restrepo, 'Autodefensas gaitanistas de Colombia' en el Bajo Cauca antioqueño, *Fundación Ideas para la Paz*, 2015, p. 5, <http://cdn.ideaspaz.org/media/website/document/5617efbc18756.pdf> (last accessed 1 December 2017).

21 República de Colombia y Observatorio del Programa Presidencial de Derechos Humanos y DIH, *Dinámica de las bandas*, supra fn 15, p. 15.

Most of these new actors have replaced the former United Self-Defense Forces of Colombia (AUC) following its demobilization in 2005,²² joining forces with drug trafficking organizations²³ and being involved in enforced disappearances,²⁴ torture, kidnappings, human trafficking,²⁵ 'social cleansing'²⁶ and internal displacements.²⁷ In the words of the MAPP/OAS report, 'there has been a resurgence of common violence. Although without the political connotations of the past, it has the potential to be very damaging'.²⁸

However, according to the guidelines of Directive 015,²⁹ only the Gulf Clan (formerly known as Los Urabeños, Clan Úsuga or Autodefensas Gaitanistas de Colombia), Los Puntillos and Los Pelusos were recognized by the Government as OAG,³⁰ whose activities are of national and international scope; who have an organized armed structure and generate a high level of armed violence exceeding the levels of internal disturbances and tensions; have a command structure; the

ability to conduct military operations and the capacity to procure, transport and distribute weapons.³¹ For instance, in March 2016 the Gulf Clan decreed a 24-hour 'strike', which emptied streets and nearly paralysed daily activities in 36 municipalities,³² in spite of the capture of more than 1,000

22 Council on Hemispheric Affairs, 'Neo-Paramilitary Gangs Ratchet Up Their Threat to Colombian Civil Society and the Long Term Survival of Civic Rectitude in the Public Arena', 17 November 2011, <http://www.coha.org/neo-paramilitary-gangs-ratchet-up-their-threat-to-colombian-civil-society-and-the-long-term-survival-of-civic-rectitude-in-the-public-arena/>.

23 C. A. Prieto, *Las BACRIM y el crimen organizado en Colombia*, Friedrich Ebert Stiftung, Policy Paper 47, March 2013, p. 1, <http://library.fes.de/pdf-files/bueros/la-seguridad/09714.pdf> (last accessed 6 December 2017).

24 D. R. Marín, 'Homicidios bajan, vacunas suben, dicen en comuna 8', *El Colombiano*, 9 January 2014, http://www.elcolombiano.com/historico/homicidios_bajan_vacunas_suben_dicen_en_comuna_8-PAEC_277190.

25 'Bandas criminales para trata de personas operan en comunas de Cali', *El Espectador*, 28 July 2016, <https://www.elespectador.com/noticias/nacional/valle/bandas-criminales-trata-de-personas-operan-comunas-de-c-articulo-646031>.

26 J. Bargent and M. Charles, 'Inside Colombia's BACRIM: Murder', *InSight Crime*, 13 July 2017, <https://www.insightcrime.org/investigations/inside-colombia-s-bacrim-murder/> (last accessed 2 November 2017).

27 OCHA, *Colombia – Desplazamiento masivo en Alto Baudó (Chocó)*, Flash Update no 1, 13 May 2014, <https://reliefweb.int/sites/reliefweb.int/files/resources/140513%20Flash%20Update%20No%201%20Alto%20Baudo.pdf> (last accessed 2 November 2017).

28 Twenty-Third Report of the Secretary General to the Permanent Council on the OAS Mission, supra fn 11, p. 2.

29 República de Colombia Ministerio de Defensa Nacional, *Directiva Permanente no 0015*, supra fn 17.

30 'Vía libre para bombardear a las tres bandas criminales más fuertes', *El Tiempo*, <http://www.eltiempo.com/archivo/documento/CMS-16583590>.

31 República de Colombia Ministerio de Defensa Nacional, *Directiva Permanente no 0015*, supra fn 17.

32 J. León and Juanita Vélez, 'Las cinco razones por las que las bacrim le ganan el pulso a Santos', 11 April 2016, *La Silla Vacía*, 11 April 2016, <http://lasillavacia.com/historia/las-cinco-razones-por-las-que-las-bacrim-le-ganan-el-pulso>.

of its members.³³ This led some security experts to criticize the Government's strategy for dealing with illegal armed groups as deficient.³⁴

THE MAPP/OAS REPORT:

[A]rmed groups such as the Clan del Golfo [Gulf Clan] or Los Pelusos are gaining notoriety for their attacks on security forces. These groups have nonhomogeneous structures and are able to take differentiated, flexible action in response to specific local and regional circumstances and contexts. They seek to replay coercive control scenarios in rural and urban communities, impeding the consolidation of community organizational bases and social mobilization to assert rights ... [T]he IACHR has lamented the rise in murders of members of this population in the final months of 2016 and has noted with concern an increase in the vulnerability of campesino, indigenous, and Afro-Colombian leaders to such violence. According to the Commission, this trend has continued in 2017.

(Twenty-Third Report, p. 2-8)

According to the Colombian non-governmental organization, INDEPAZ, in the first semester of 2017, illegal armed groups had operations in 275 municipalities of 28 departments, showing the greatest permanence (high intensity) in 165 municipalities of 23 departments.³⁵ The Government has determined that some of these groups have changed their modus operandi, generating less violence while been more profitable at the same time, and now the most violent places are mainly those where these groups fight over territory for the control of drug routes.³⁶

In March 2017, clashes between the Gulf Clan and the ELN left Afro-Colombian communities and indigenous peoples of the Department of Chocó in humanitarian crisis, framed in torture settings for alleged cooperation with enemy groups and selective killings,³⁷ and subjected to both the forced displacement of more than 500 persons and

santos-55358.

33 H. E. Zamora, 'Las cinco razones por las que las bacrim le ganan el pulso a Santos', *El Tiempo*, <http://www.eltiempo.com/justicia/conflicto-y-narcotrafico/entrevista-a-general-de-la-policia-sobre-plan-pistola-del-clan-del-golfo-87814>.

34 León and Vélez, 'Las cinco razones', supra fn 32.

35 C. G. Posso, '¿Hacia la dejación de las armas y sometimiento del Clan del Golfo?: Panorama de paramilitares y grupos armados ilegales en el posacuerdo. INDEPAZ, 2017, <http://www.indepaz.org.co/wp-content/uploads/2017/10/Sometimiento-del-Clan-del-Golfo-Camillo-Gonzalez-Posso.pdf> (last accessed 1 December 2017).

36 Fiscalía General de la Nación, Documentos de la Política Pública y Política Criminal: Drogas y homicidios, Documento no 3, 2017, <http://www.fiscalia.gov.co/colombia/wp-content/uploads/Drogas-y-homicidios-vf1.pdf> (last accessed 1 December 2017).

37 Amnesty International, 'Risk of Forced Displacement in Chocó', AI Index number AMR 23/7356/2017, 26 October 2017, <https://www.amnesty.org/en/documents/amr23/7356/2017/en/> (last accessed 1 December 2017).

confinement, as explosives devices, i.e., personal land mines, were used to impede community members' search for food in isolated areas.³⁸

In this context, it is worth mentioning that the 1st Front of the FARC is not part of the 2016 peace agreement. It continues to fight the Government and, for instance, in May 2017 it kidnapped a UN official who was working on a programme to substitute legal crops for illegal ones.³⁹

Also in May 2017, the Gulf Clan launched a plan to attack the governmental security forces – the so-called 'Plan Pistola' (Gun Plan)⁴⁰ – which killed eight policemen and injured five more over eleven days.⁴¹ Later, in September, the same group announced a new Gun Plan in retaliation for the death of Roberto Vargas Gutiérrez (alias Gavilan), its second-in-command.⁴²

For their part, members of the public forces have been accused of committing excesses that have been documented in reports of the UN High Commissioner for Human Rights (OHCHR).⁴³ For instance, in February 2016, witnesses stated that army soldiers killed a peasant in the Department of Antioquia, 'and the army subsequently claimed that the killing had been a military error'.⁴⁴ In October 2017, the Office of the Procurator investigated 36 policemen and 14 members of the army for the killing of seven peasants and the injury of 20 more during protests against the eradication of illicit crops in the Department of Nariño. Initially, the public forces signalled that FARC dissidents were responsible, but witnesses and subsequent investigations pointed towards the public forces.⁴⁵

In November 2017, according to the information provided by the local community, clashes between illegal armed groups resulted in the killing of 13 persons in the

38 Verdad Abierta, 'Grupos armados ilegales y ausencia del Estado incendian el sur de Chocó', 8 March 2017, <http://www.verdadabierta.com/victimas-seccion/desplazados/6576-grupos-armados-ilegales-y-ausencia-del-estado-incendian-el-sur-de-choco> (last Accessed 1 December 2017).

39 'ONU realiza labores para liberar a funcionario secuestrado en Guaviare', *El Tiempo*, <http://www.eltiempo.com/justicia/investigacion/funcionario-de-la-onu-en-guaviare-fue-secuestrado-por-disidencia-de-farc-84348>.

40 The Gun Plan is a strategy used by the illicit armed groups, and also by Pablo Escobar, to attack the security forces by offering a certain amount of money to hitmen for each police officer murdered. 'Versiones encontradas sobre supuesto "plan pistola" en Bogotá', *Semana*, 5 November 2017, <https://semana.com/Item/ArticleAsync/524813?nextId=524819>.

41 '¿Qué busca el "clan del Golfo" con el plan pistola contra la Policía?', *El Tiempo*, 11 May 2017, <http://www.eltiempo.com/justicia/conflicto-y-narcotrafico/analisis-del-plan-pistola-adelanta-do-por-el-clan-usuga-contr-la-policia-86976>.

42 'Nuevo "Plan Pistola" anuncia Clan del Golfo por muerte de alias Gavilán', *Caracol Radio*, 1 September 2017, http://caracol.com.co/emisora/2017/09/01/medellin/1504302009_298659.html.

43 Annual Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Colombia, UN doc A/HRC/34/3/Add.3, 23 March 2017.

44 Amnesty International, 'Colombia 2016/2017', <https://www.amnesty.org/en/countries/america/colombia/report-colombia/> (last accessed 1 December 2017).

45 'Procuraduría investiga a 36 policías por masacre en Tumaco', *Semana*, 13 October 2017, <http://www.semana.com/nacion/articulo/procuraduria-investiga-a-36-policias-por-masacre-en-tumaco/543843>.



Department of Nariño.⁴⁶

According to the Single Register of Victims (RUV), a total of 49,699 individual victims of the armed conflict had been identified and 62,843 cases of victimization had taken place up to November 2017.⁴⁷ Furthermore, the Regional Indigenous Organization of Valle del Cauca (ORIVAC) has announced that a total of 17 indigenous leaders of Valle del Cauca have been threatened in 2017 by illegal armed groups including criminal groups, dissidents of the FARC and the ELN.⁴⁸

This is all notwithstanding that, by the end of 2016, the main leaders of Los Pelusos were captured or dead;⁴⁹ that in September 2017, the principal ringleader of Los Puntilleros, Arnulfo Guzmán Hernández (alias Tigre) was captured and that, according to declarations of the Ministry of Defense, the organization has been completely disarticulated.⁵⁰ This, in principle, would leave the Gulf Clan as the major GAO.⁵¹

Taking into account that these kinds of illegal armed groups operate as decentralized networks and that they have constantly reconfigured themselves, it is still too soon to determine whether there will be a new manifestation of the previous groups.⁵² One should also consider the fact that these groups have shown a high level of cooperation, which has allowed them to admit to their criminal activities and even ‘compil[e] lists of people whom the groups consider

46 ‘Cuatro muertos, cifra preliminar de enfrentamientos en Nariño’, *El Tiempo*, 29 November 2017, <http://www.eltiempo.com/justicia/delitos/ataque-en-maguei-payan-deja-al-menos-cuatro-personas-muertas-segun-ejercito-156714>.

47 Registro Único de Víctimas (RUV), <https://rni.unidadvictimas.gov.co/RUV> (last accessed 30 November 2017).

48 ‘Eln reconoce asesinato de gobernador indígena en Chocó’, supra fn 8.

49 ‘Los Pelusos’ se quedan sin su máximo jefe en el Catatumbo’, *El Colombiano*, 16 September 2016, <http://www.elcolombiano.com/colombia/los-pelusos-se-quedan-sin-su-maximo-jefe-en-el-catatumbo-FE4996997>.

50 ‘Por una mujer cayó alias Tigre, jefe de “los Puntilleros”’, *El Tiempo*, <http://www.eltiempo.com/justicia/delitos/jefe-de-los-puntilleros-cayo-por-reunion-con-una-mujer-134240>.

51 According to the Colombian Government, four of the leaders of the Gulf Clan have been captured or killed. Presidencia de la República de Colombia, ‘Policía decomisó más 12 toneladas de cocaína en la incautación más grande en la historia’, 8 November 2017, <http://es.presidencia.gov.co/noticia/171108-Policia-decomiso-mas-12-toneladas-de-cocaína-en-la-incautacion-mas-grande-en-la-historia> (last accessed 6 December 2017).

52 For instance, according to INDEPAZ, in 2017 the Gulf Clan ‘concentrated more than 70% of all the narco-paramilitary structures that have activities in Colombia and operate with a network of allies and local subaltern groups’. Posso. ¿Hacia la dejación de las armas y sometimiento del Clan del Golfo?, supra fn 38.

military targets’.⁵³

THE COLOMBIAN STATE’S RESPONSE

In 2015, the Colombian Government launched Operation Agamenon, mandating the police force to capture Dairo Antonio Úsuga David (alias Otoniel), the leader of the Gulf Clan,⁵⁴ and dismantle this group, for which 1,200 policemen and 15 helicopters, some of them Black Hawk, were deployed.⁵⁵

As mentioned above, in 2016, the Ministry of Defense enacted Directive 015, aiming to dismantle these groups and characterizing some of them as AOG.⁵⁶ According to the Directive, these groups have an organized structure and leadership, commit violent acts against civilian society and armed forces and control sizable territory. This legal instrument aims at: i) establishing an adequate procedure that enables the public forces to fulfil their constitutional mandate; ii) acting on the evolution of organized criminality, which affects the security of Colombian citizens and iii) guaranteeing juridical security for members of the Public Forces.

Despite the positive results of Operation Agamenon,⁵⁷ the Government has been unable to dismantle the Gulf Clan. Hence, in 2017, it launched Operation Agamenon II,⁵⁸ which included an estimated 250 members of the military.⁵⁹

As result of these actions, the Gulf Clan has expressed its desire to enter a peace process with the Government and demobilize. Referring to Dairo Antonio Úsuga, alias Otoniel, the Colombian President, Juan Manuel Santos, announced in September 2017 that the Government had received a ‘clear declaration from the head of the Urabeños that he wishes to submit himself and all of his men to justice’,⁶⁰ but that this would not mean a political negotiation.

Yet, Amnesty International has exposed in its report of

53 Twenty-Third Report of the Secretary General to the Permanent Council on the OAS Mission, supra fn 11, p 6.

54 N. Cosoy, ‘Así es el megaoperativo para la captura de Otoniel, el narco más buscado de Colombia’, *BBC Mundo*, 1 April 2015, http://www.bbc.com/mundo/noticias/2015/04/150401_colombia_caza_otoniel_narco_mas_buscado_lv.

55 N. Cosoy, ‘Otoniel, el narco colombiano al que buscan más hombres que a Pablo Escobar’, *BBC Mundo*, 24 March 2015, http://www.bbc.com/mundo/noticias/2015/03/150318_colombia_otoniel_usuga_uraba_nc.

56 Verdad Abierta, ‘La Directiva N. 15: estrategia tardía que abre varios interrogantes’, 12 May 2016, <http://www.verdadabierta.com/rearme/6269-la-directiva-n-15-estrategia-tardia-que-abre-varios-interrogantes> (last accessed 1 December 2017).

57 Policía Nacional de Colombia, ‘“Agamenón”, la operación que ya desmanteló la mitad del “Clan del Golfo”’, 8 May 2017, <https://www.policia.gov.co/noticia/agamenon-operacion-que-ya-desmantelo-mitad-del-clan-del-golfo> (last accessed 1 December 2017); Verdad Abierta, ‘Los secretos del “Clan Úsuga”’, 24 August 2015, <http://www.verdadabierta.com/rearme/5933-los-secretos-del-clan-usuga> (last accessed 1 December 2017).

58 ‘Desmantelar el ‘clan del Golfo’ orden perentoria del presidente Santos’, *El Tiempo*, 22 June 2017, <http://www.eltiempo.com/justicia/conflicto-y-narcotrafico/lanzan-operacion-agamenon-ii-contral-clan-del-golfo-101708>.

59 ‘El reto que tendrá Agamenón II’, *El Colombiano*, 21 May 2017, <http://www.elcolombiano.com/antioquia/seguridad/el-reto-que-tendra-agamenon-ii-AC6576640>.

60 Presidencia de la República de Colombia, ‘Presidente Santos anuncia que el Clan del Golfo está dispuesto a someterse a la justicia’, 5 September 2017, <http://es.presidencia.gov.co/noticia/170905-Presidente-Santos-anuncia-que-el-Clan-del-Golfo-esta-dispuesto-a-someterse-a-la-justicia> (last accessed 8 November 2017).

November 2017 that the ‘Government fails to keep civilians safe as new threats go unchallenged’.⁶¹

GANG VIOLENCE IN MEXICO

Mexico is known as the home of ‘the hemisphere’s largest, most sophisticated and violent organized criminal groups’.⁶² Organized criminal organizations have been operating in the country for over a century, originally developing drug production and trafficking activities and creating links with other criminal organizations in the region.⁶³ By the 1980s, Mexico had become a major drug smuggling route to the US.⁶⁴

Although the Mexican Government has implemented repressive policies against drug trafficking, with the support of the US, since the 1930s, President Felipe Calderón stepped up this policy by initiating an aggressive ‘war on drugs’ in 2006.⁶⁵ The Calderón administration identified organized crime as an existential threat to national security,⁶⁶ and its strategy to combat it had two main components: the militarization of public security and the ‘kingpin’ strategy of targeting cartel leaders.⁶⁷

Over his term of office, President Calderón deployed the armed forces on a large scale throughout the country, increasing the number of troops engaged in combating drug trafficking to 45,000.⁶⁸ The budget and resources dedicated to the military were also greatly increased, including upgrades in weapons, ammunitions, vehicles and intelligence equipment.⁶⁹ Military commanders and ex-commanders widely took over control of the police, resulting in a total of 32,000 military personnel performing

tasks traditionally carried out by civilian forces in 2012.⁷⁰ When the current President, Enrique Peña Nieto, took office in 2013, he promised a paradigm shift in the Government’s approach to organized crime. However, most of his reforms failed and he continued the militarized security strategy of his predecessors.⁷¹ The number of soldiers and marines engaged in security operations continued to rise, a gendarmerie of 5,000 officers with military training was created within the Federal Police and control over security was recentralized in the Ministry of Interior.⁷² Very recently, the Mexican parliament approved a bill allowing the army to perform law enforcement duties indefinitely, raising serious concerns about the further militarization of the country.⁷³ However, instead of reducing it, this militarized strategy led to a general increase in violence. In response to the growing number of government attacks, the cartels resisted and expanded their armaments, training and

tactics. This led to an arms race and increasing clashes of high intensity between the cartels and the armed forces, including several clashes in 2017.⁷⁴

The second element of Calderón’s strategy – the targeting and elimination of high- and mid-level cartel

leaders – also had dramatic consequences and resulted in a generalized increase in violence. As their leaders were eliminated, the large cartels fragmented into an ever-increasing number of splinter groups, fighting amongst each other in succession wars or for control over territory or lucrative criminal activities.⁷⁵ Whereas Mexico’s criminal

Although the Mexican Government has implemented repressive policies against drug trafficking, with the support of the US, since the 1930s, President Felipe Calderón stepped up this policy by initiating an aggressive ‘war on drugs’ in 2006.

61 Amnesty International, ‘Colombia: Government fails to keep civilians safe as new threats go unchallenged’, 22 November 2017, <https://www.amnesty.org/en/latest/news/2017/11/colombia-government-fails-to-keep-civilians-safe-as-new-threats-go-unchallenged/> (last accessed 1 December 2017).

62 InSight Crime, ‘Mexico Profile’, <https://www.insightcrime.org/mexico-organized-crime-news/mexico/> (last accessed 3 December 2017).

63 J. S. Beittel, ‘Mexico: Organized Crime and Drug Trafficking Organizations’, CRS Report for Congress R41576, Library of Congress, Congressional Research Service, 25 April 2017, <https://www.hsdl.org/?abstract&did=800584> (last accessed 3 December 2017).

64 InSight Crime, ‘Mexico Profile’, supra fn 62; Beittel, ‘Mexico’, supra fn 63, p 8.

65 Open Society Foundations, *Undeniable Atrocities: Confronting Crimes against Humanity in Mexico*, 2016, p 23, <https://www.opensocietyfoundations.org/sites/default/files/undeniable-atrocities-2nd-edition-20160808.pdf> (last accessed 6 December 2017).

66 F. Calderón Hinojosa, *Los Retos Que Enfrentamos: Los Problemas de México y Las Políticas Públicas Para Resolverlos (2006-2012)*, Debate, 2013, pp 27, 66.

67 F. Enciso, ‘Mexico’s Worsening War Without a Name’, International Crisis Group, 15 June 2017, <https://www.crisisgroup.org/latin-america-caribbean/mexico/mexicos-worsening-war-without-name> (last accessed 3 December 2017); Open Society Foundations, *Undeniable Atrocities*, supra fn 65, p 28.

68 Open Society Foundations, *Undeniable Atrocities*, supra fn 65, p 58.

69 Ibid, pp 57–58.

70 UN Human Rights Council (HRC), Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on his Mission to Mexico, UN doc A/HRC/28/68/Add.3 29 December 2014, § 22.

71 InSight Crime, ‘Mexico Profile’, supra fn 62; Beittel, ‘Mexico’, supra fn 65, p 3; Open Society Foundations, *Undeniable Atrocities*, supra fn 65, p 57; International Institute for Strategic Studies (IISS), *Armed Conflict Survey 2017*, pp 348–350.

72 Beittel, ‘Mexico’, supra fn 63, p 3; Amnesty International, ‘Mexico 2016/2017’, <https://www.amnesty.org/en/countries/americas/mexico/report-mexico/> (last accessed 3 December 2017).

73 Mark Stevenson, ‘Mexican congress approves law allowing army to act as police’ (30 November 2017), https://www.washingtonpost.com/world/the-americas/armys-role-as-police-under-debate-in-mexico/2017/11/30/1a30cdc0-d608-11e7-9ad9-ca0619edfa05_story.html?utm_term=.812bd9a02a0f

74 Enciso, ‘Mexico’s Worsening War Without a Name’, supra fn 67; Associated Press, ‘Mexican Marines Use Helicopter Gunship to Kill Alleged Cartel Leader and Members’, *The Guardian*, 10 February 2017, <http://www.theguardian.com/world/2017/feb/10/mexico-helicopter-gun-drug-cartel-leader-killed>; J. Tuckman, ‘Mexico Declares All-Out War After Rising Drug Cartel Downs Military Helicopter’, *The Guardian*, 4 May 2015, <http://www.theguardian.com/world/2015/may/04/mexico-declares-war-rising-drug-cartel-downs-military-helicopter>, accessed 3 December 2017; D. Gagne, ‘Bloody Attack on Police in Mexico Raises Jalisco Cartel’s Profile’, InSight Crime, 8 April 2015, <https://www.insightcrime.org/news/analysis/bloody-attack-police-mexico-raises-jalisco-cartel-profile/> (last accessed 3 December 2017).

75 Beittel, ‘Mexico’, supra fn 63, p 9; InSight Crime, ‘Mexico Profile’, supra fn 65; Open Society Foundations, *Undeniable Atrocities*, supra fn 68, p 28; W. Neuman, ‘As Drug Kingpins Fall in Mexico, Cartels Fracture and Violence Surges’, *The New York Times*, 12 August 2015, <https://www.nytimes.com/2015/08/13/world/americas/as-mexico-arrests-kingpins-cartels-splinter-and-violence-spikes.html>; ‘Why Murder in Mexico Is Rising Again’, *The Economist*, 11 May 2017, <https://www.economist.com/news/americas/21721973-gangs-get-smaller-and-diversify-why-murder-mexico-rising-again>; D. Agren, ‘The Only Two Powerful Cartels Left’: Rivals Clash in Mexico’s Murder Capital’, *The Guardian*, 28 November 2016, <http://www.theguardian.com/world/2016/nov/28/mexico-drug-cartels-sinaloa-jalisco-columbia>.

landscape was dominated by four major drug trafficking organizations in the early 2000s, these organizations repeatedly fractured, fragmenting into seven dominant organizations later in the 2000s, then into around 60 to 80 competing criminal groups operating across the country.⁷⁶ Nevertheless, certain groups have retained prominence over the years, including the Sinaloa Cartel, Gulf Cartel, Beltran Leyva Cartel and La Familia Michoacana, and more recently, the Jalisco Cartel New Generation (CJNG).⁷⁷ In addition, as smaller groups do not have the resources and connections required for full-scale drug operations, they have diversified their criminal activities to generate revenue, expanding to extortion, kidnapping, fuel theft, human smuggling and arms trafficking, etc.⁷⁸ Relying on widespread corruption, most of these cartels operate without interference from, or with the alleged support of, corrupt government officials or members of the security forces.⁷⁹

The evolution of the violence related to organized crime can be traced by examining homicide rates in the country. In 2006, homicide rates dramatically increased with the onset of Calderón's 'war on drugs', rising to an unprecedented peak of nearly 23,000 murders in 2011.⁸⁰ After a decline in 2012–2014, the rates peaked again in 2016–2017.⁸¹ The first half of 2017 saw the highest toll ever recorded in Mexico, with a total of 13,729 murders.⁸² It is estimated that around one-third to a half of all homicides in Mexico are related to organized crime,⁸³ and the rise was strongest in states that are most affected by the activities of criminal groups.⁸⁴ Indeed, the recent surge in violence is attributed to the increasing battles between splintered gangs across the

country.⁸⁵

In absolute numbers, the total number of killings linked to the war on drugs since 2006 exceeds 100,000, with 23,000 fatalities in 2016 alone.⁸⁶ These numbers surpass the death toll of other major conflicts around the world, including the US War of Independence (4,000), the Mexican–American War (13,000), World War I (53,000), the Korean Conflict (36,000) and the current conflicts in Afghanistan (2,200 per year since 2009) and Iraq (4,000).⁸⁷

The violence related to organized crime in Mexico is unprecedented not only in terms of numbers of casualties, but also in the form of the violence. The tactics used by the cartels are particularly brutal,

including beheadings, dismemberments, public hanging of mutilated corpses, torture and car bombs.⁸⁸ Clashes between cartels or with security forces involve heavy weaponry, including high-powered rifles, fragmentation grenades, rockets and anti-personnel mines.⁸⁹ In addition, cartel violence is not limited to protecting their criminal activities, but also includes attacks against government officials, political candidates and the media.⁹⁰

Both the violence carried out by the cartels and the Government's response to it have a dramatic impact on the Mexican population. Mexicans are often collateral, and in some instances direct, victims in the battles between cartels, which increasingly resort to tactics that take the population hostage.⁹¹ But the population is also victim to the security forces' use of force in the 'war on drugs', which allegedly targets any person that is perceived to be somewhat connected with organized crime.⁹² The deployment of the armed forces has been associated with dramatic increases in cases of torture, enforced disappearances and extrajudicial killings.⁹³ These serious abuses have remained

Nevertheless, certain groups have retained prominence over the years, including the Sinaloa Cartel, Gulf Cartel, Beltran Leyva Cartel and La Familia Michoacana, and one organization has risen to prominence in recent years: the Jalisco Cartel New Generation (CJNG)

76 Beittel, 'Mexico', supra fn 63, p 9.

77 IISS, Armed Conflict Survey 2017, supra fn 62, p 344; Beittel, 'Mexico', supra fn 63, 10.

78 'Why Murder in Mexico Is Rising Again', supra fn 75; Enciso, 'Mexico's Worsening War Without a Name', supra fn 67.

79 InSight Crime, 'Mexico Profile', supra fn 62; Beittel, 'Mexico', supra fn 63, p 6.

80 Beittel, 'Mexico', supra fn 63, Summary.

81 Justice in Mexico, Drug Violence in Mexico: Data and Analysis Through 2016, 2017, p 2, <https://justiceinmexico.org/drug-violence-mexico-data-analysis-2016/> (last accessed 4 December 2017).

82 C. Woody, 'Mexico's Bloody Drug-Related Violence Has Surged to a New Record' Business Insider, 26 July 2017, <http://uk.businessinsider.com/mexicos-bloody-drug-related-violence-has-surged-to-a-new-record-2017-7>.

83 Justice in Mexico, Drug Violence in Mexico, supra fn 81, p 5; Open Society Foundations, Undeniable Atrocities, supra fn 65, p 36.

84 IISS, Armed Conflict Survey 2017, supra fn 71, pp 344–345; Woody, 'Mexico's Bloody Drug-Related Violence', supra fn 82.

85 'Why Murder in Mexico Is Rising Again', supra fn 75.

86 Beittel, 'Mexico', supra fn 63, Summary; IISS, Armed Conflict Survey 2017, supra fn 71, p 5; Open Society Foundations, Undeniable Atrocities, supra fn 65, p 33.

87 Justice in Mexico, Drug Violence in Mexico, supra fn 81, p 5.

88 Beittel, 'Mexico', supra fn 63, p 1.

89 A. Angel, 'Mexico's Weapons Seizures Map Out Cartel Firepower', InSight Crime, 16 October 2015, <https://www.insightcrime.org/news/analysis/mexico-weapons-seizures-map-out-cartel-firepower/> (last accessed 4 December 2017).

90 Beittel, 'Mexico', supra fn 63, p 2; Justice in Mexico, Drug Violence in Mexico, supra fn 81, p 2.

91 'Why Murder in Mexico Is Rising Again', supra fn 75.

92 Open Society Foundations, Undeniable Atrocities, supra fn 65, p 38.

93 See generally, Open Society Foundations, Undeniable Atrocities, supra fn 65. See also Associated Press, 'Mexican Troops Waging War on Drug Gangs Not Punished for Rights Abuses – Report', The Guardian, 7 November 2017, <http://www.theguardian.com/world/2017/nov/07/>



in near-absolute impunity, leading numerous national and international organizations to voice their concerns about the 'human rights crisis' in Mexico.⁹⁴ Some organizations have even denounced the possible commissions of crimes against humanity.⁹⁵ As a result of the generalized climate of violence, an estimated 311,000 people are currently internally displaced throughout the country.⁹⁶

In sum, the violence related to organized crime in Mexico can be characterized as violent battles between heavily armed and increasingly fragmented criminal groups fighting over control of lucrative business opportunities from diverse criminal activities; violent confrontations between criminal groups and the state armed forces, involving heavy weaponry on both sides; a major impact on the civilian population as 'collateral damage' of both the clashes between criminal groups and the state's response to organized crime.

THE ACTORS INVOLVED

The constant evolution and fragmentation of the criminal landscape in Mexico make it difficult to analyse the main groups involved. Nevertheless, some general characteristics can be identified. As large and hierarchical organizations have suffered serious blows from the loss of their leaders, they have been succeeded or replaced by flatter and smaller organizations that are more loosely connected.⁹⁷

mexican-military-human-rights-abuses-war-on-drugs-report.

94 Inter-American Commission on Human Rights, Situation of Human Rights in Mexico, OEA/Ser.L/V/II. doc 44/15, 31 December 2015, <https://www.oas.org/en/iachr/reports/pdfs/Mexico2016-en.pdf> (last accessed 6 December 2017); HRC, Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on his Mission to Mexico, UN doc A/HRC/28/68/Add.3, 29 December 2014; Human Rights Watch, 'World Report 2017: Mexico', <https://www.hrw.org/world-report/2017/country-chapters/mexico> (last accessed 4 December 2017); see generally, CMDPDH publications, <http://cmdpdh.org/publicaciones/> (last accessed 6 December 2017).

95 For the 2011 complaint, see 'Activists Accuse Mexican President of War Crimes in Drug Crackdown', The Guardian, 26 November 2011, <http://www.theguardian.com/world/2011/nov/26/mexican-president-war-crimes-drug>; for the 2017 complaint, see International Federation for Human Rights (FIDH), 'Mexico: Murders, Disappearances, and Torture in Coahuila de Zaragoza Are Crimes Against Humanity', 5 July 2017, <https://www.fidh.org/en/region/americas/mexico/mexico-murders-disappearances-and-torture-in-coahuila-de-zaragoza-are> (last accessed 4 December 2017).

96 Internal Displacement Monitoring Center (IDMC), 'Mexico', <http://www.internal-displacement.org/countries/mexico/> (last accessed 4 December 2017).

97 Beittel, 'Mexico', supra fn 63, p 5.

Some dominant organizations retain their presence, but they face increasing challenges from aggressive organizations that emerge and fight them. The cartels operate as business-like entities, seeking profits from criminal activities and fighting with their rivals for control over these activities in different regions.⁹⁸ They generally rely on a dual strategy of violence and bribery to coerce their competitors and ensure the smooth functioning of their operations.⁹⁹

The degree of command structure and discipline within the cartels depends on the groups. Cartels generally rely on violence to instil fear and discipline in their members.¹⁰⁰ Some organizations, especially the Zetas, had a clear hierarchical command structure and maintained strict military discipline.¹⁰¹ However, such hierarchical and disciplined groups have been splintered by government attacks and are more susceptible to internal conflicts.¹⁰² Recently emerging groups seem more loosely connected and rely on a cellular structure. They lack the organizational structure and international reach of their predecessors.¹⁰³

Mexican cartels have access to highly sophisticated armaments, which allows them to conduct high-intensity attacks against their rivals and the state security forces. For instance, the CJNG shot down a military helicopter in 2015 with a rocket-propelled grenade, and it was involved in several shootouts with rival cartels in 2017.¹⁰⁴ The Zetas employed clear military tactics and operations, including 'ambushes, defensive positions and small-units tactics'.¹⁰⁵ Although this group is now seriously weakened, other cartels such as the CJNG have adopted their tactics and military-style operations. The repeated use of car bombs, grenades and rocket-propelled launchers by criminal organizations 'continue to raise concerns that some Mexican drug traffickers may be adopting insurgent or terrorist techniques'.¹⁰⁶ In addition, through their use of propaganda and the prospect of lucrative opportunities, these groups have access to numerous recruits, especially in the poorer regions of Mexico.

The cartels are often said to 'control territories' or

98 Ibid, p 6.

99 Ibid, pp 6–7; Tuckman, 'Mexico Declares All-Out War', supra fn 74.

100 Beittel, 'Mexico', supra fn 63, p 7.

101 Open Society Foundations, *Undeniable Atrocities*, supra fn 65, pp 88–89.

102 Beittel, 'Mexico', supra fn 63, p 10.

103 Ibid, p 5; InSight Crime, 'Mexico Profile', supra fn 62.

104 Tuckman, 'Mexico Declares All-Out War', supra fn 74; Agren, 'The Only Two Powerful Cartels Left', supra fn 75.

105 J. P. Sullivan and S. Logan, 'Los Zetas: Massacres, Assassinations and Infantry Tactics', The Counter Terrorist, 24 November 2010, <https://www.insightcrime.org/news/analysis/the-zetas-massacres-assassinations-and-infantry-tactics>

106 Beittel, 'Mexico', supra fn 63, p 4.

‘compete over territorial control’,¹⁰⁷ but this generally refers to dominance over trafficking routes and markets for criminal activities rather than actual territorial control. There have been instances in past years where some dominant cartels effectively controlled territories in northern states and the state feared losing control over these regions.¹⁰⁸ Nevertheless, these large and coherent cartels have been replaced by smaller groups that are less able to establish control over entire areas – even though they expand their presence and operations across the country.¹⁰⁹

Cartels are mainly driven by profit and commercial interests. However, in Mexico the violence is not limited to criminal activities, as the cartels have also targeted government officials, political candidates, judge and news media. This form of violence has been considered ‘exceptional by the typical standards of organized crime’.¹¹⁰ In addition, several groups use propaganda and public relations campaigns to win the support of the population.

However, in Mexico the violence is not limited to criminal activities, as the cartels have also targeted government officials, political candidates, judge and news media.

THE SINALOA CARTEL

The Sinaloa cartel is considered ‘the largest and most powerful drug trafficking organization in the Western hemisphere’.¹¹¹ This cartel consists of an alliance of some of the top leaders of Mexican criminal organizations that operate in concert to protect themselves. It does not have a hierarchical structure, but rather operates like a federation of separate but cooperating organizations.¹¹² The Sinaloa cartel tends to rely on connections at the highest levels, the corruption of security forces and internal alliances, rather than resorting to armed force.¹¹³ Nevertheless, in recent years it has been involved in violent turf wars with other cartels over the control of certain regions.¹¹⁴ It has wide international reach and contacts for drug trafficking and other criminal activities.¹¹⁵ Currently, the cartel faces serious challenges from other groups, but it remains the dominant force in Mexico’s underworld and has dominated

107 See, e.g., C. Woody, ‘These Maps Show How Mexican Cartels Dominate the US Drug Market’, Business Insider, 15 December 2016, <http://uk.businessinsider.com/dea-maps-of-mexican-cartels-in-the-us-2016-12?r=US&IR=T>.

108 S. Albuja, ‘Criminal Violence, Displacement and Migration in Mexico and Central America’, in S. F. Martin, S. Weerasinghe and A. Taylor (eds), *Humanitarian Crises and Migration: Causes, Consequences and Responses* Routledge, 2014, p 122.

109 Agren, ‘The Only Two Powerful Cartels Left’, supra fn 75.

110 Beittel, ‘Mexico’, supra fn 63, p 2.

111 J. F. Gutiérrez, ‘Sinaloa Cartel’, InSight Crime, <https://www.insightcrime.org/mexico-organized-crime-news/sinaloa-cartel-profile/> (last accessed 4 December 2017).

112 Beittel, ‘Mexico’, supra fn 65, p 10.

113 Gutiérrez, ‘Sinaloa Cartel’, supra fn 111.

114 Agren, ‘The Only Two Powerful Cartels Left’, supra fn 77.

115 Beittel, ‘Mexico’, supra fn 63, p 13.

the wars in which it was involved.¹¹⁶

THE JALISCO CARTEL NEW GENERATION (CJNG)

The CJNG emerged in 2010 as a splinter group of the Sinaloa cartel.¹¹⁷ It rapidly established its reputation as ‘one of the country’s fastest growing and most aggressive groups, willing to confront both rivals in the underworld and federal forces’.¹¹⁸ The CJNG has conducted several high-intensity attacks against the state security forces, especially in 2015, including the shooting down of a military helicopter in May 2015.¹¹⁹ As a response, the government launched ‘Operation Jalisco’¹²⁰. The group has access to highly sophisticated armaments, including machine guns and rocket-propelled grenade launchers, and it is believed to provide arms to self-defence groups.¹²¹ The CJNG is also notorious for its public relations campaign and appeal to citizens through idealistic propaganda, promising to rid areas under its ‘control’ of competing criminal groups.¹²² The group is growing rapidly, having expanded its operations to 14 states in 2016.

It has especially challenged the Sinaloa cartel for control over strategic areas, leading to major battles in Colima.¹²³ It also has contacts across the world for its drug trafficking operations.¹²⁴ Currently, despite the capture of some of its top leaders, the cartel continues to expand and remains ‘the



116 Gutiérrez, ‘Sinaloa Cartel’, supra fn 111.

117 Beittel, ‘Mexico’, supra fn 63, pp 10, 22.

118 Agren ‘The Only Two Powerful Cartels Left’, supra fn 75.

119 Beittel, ‘Mexico’, supra fn 63, p 24.

120 M. Lohmuller, ‘“Operation Jalisco” in Mexico: New General, Same Police’, InSight Crime, 6 May 2015, <https://www.insightcrime.org/news/brief/mexico-selects-army-general-to-lead-operation-jalisco/> (last accessed 4 December 2017).

121 InSight Crime, ‘Jalisco Cartel - New Generation (CJNG)’, <https://www.insightcrime.org/mexico-organized-crime-news/jalisco-cartel-new-generation/> (last accessed 4 December 2017).

122 Ibid.

123 D. Tucker, ‘Mexico’s Most-Wanted: A Guide to the Drug Cartels’, BBC News, 5 July 2017, <http://www.bbc.com/news/world-latin-america-40480405>.

124 Beittel, ‘Mexico’, supra fn 63, p 23.

most notorious Mexican cartel'.¹²⁵

THE ZETAS

The Zetas emerged as a group of former Special Forces members at the service of the Gulf cartel. They then separated from the Gulf cartel to become an independent one, and they initiated a constant battle against their former employees.¹²⁶ They also became involved in numerous other cartel wars, including with the Sinaloa cartel. Constituted by former army members, the group is characterized by its strong logistical sophistication and military training, including cutting-edge weapons and communications technologies, strict military discipline and strategic planning of operations.¹²⁷ It has been described by the US Drug Enforcement Agency as 'perhaps the most technologically advanced, sophisticated and violent of these paramilitary enforcement groups'.¹²⁸ As other cartels began to adopt some of its tactics, it has been characterized as a real 'game changer' for organized crime in Mexico.¹²⁹ The Zetas use particularly brutal and violent methods, relying on terror rather than corruption and alliances.¹³⁰ These methods allowed the group to expand their 'territorial control' and criminal activities throughout the country and across Central America, especially in Guatemala.¹³¹ It had worldwide contacts for its drug trafficking activities, and was involved in a wide range of criminal activities.¹³² Once one of the most powerful and feared cartels in Mexico, due to serious infighting and the loss of its leaders the Zetas are now a weakened and fragmented force focusing on local criminal activities.¹³³

LA FAMILIA MICHOCACANA

La Familia Michoacana first emerged as a 'self-styled vigilante group' in the early 2000s against the violence committed by the Zetas in the state of Michoacán, while adopting their tactics.¹³⁴ The group stands out for its

¹²⁵ Ibid, 10.

¹²⁶ InSight Crime, 'Zetas', <https://www.insightcrime.org/mexico-organized-crime-news/zetas-profile/> (last accessed 4 December 2017); Beittel, 'Mexico', supra fn 66, p 10.

¹²⁷ Open Society Foundations, 'Undeniable Atrocities', supra fn 65, pp 88–89.

¹²⁸ InSight Crime, 'Zetas', supra fn 126.

¹²⁹ Ibid.

¹³⁰ Beittel, 'Mexico', supra fn 63, p 18.

¹³¹ InSight Crime, 'Zetas', supra fn 126.

¹³² Beittel, 'Mexico', supra fn 63, p 18.

¹³³ InSight Crime, 'Zetas', supra fn 126; Beittel, 'Mexico', supra fn 63, p 19; Tucker, 'Mexico's Most-Wanted', supra fn 123.

¹³⁴ H. Silva Ávalos, 'Familia Michoacana', <https://www.insightcrime.org/mexico-orga->

'pseudo-religious' and regionalist ideology. It claims strong public support and acted as a de facto state in Western Michoacán, including by resolving local disputes, providing employment through the drug trade and doing social work by building schools and roads. At times, it has used a language of political insurgency or 'evangelical crusade'.¹³⁵ The group has been able to recruit hundreds of people in a short time span. La Familia Michoana is notorious for its brutal tactics, especially the dumping of decapitated heads on the dancefloor of a club in 2006 to announce its emergence.¹³⁶ At the height of its power, the group operated a wide range of criminal activities, including drug trafficking, kidnapping, extortion and racketeering. After serious heavy blows and the killing of its main leader, Mexican authorities considered the group to be extinct in 2011. It was supplanted by a splinter group, the 'Knights Templar', which has also been seriously weakened recently.¹³⁷

THE BELTRAN LYVA ORGANIZATION (BLO)

The BLO emerged as a splinter group of the Sinaloa cartel, with which it began a bloody war in 2008.¹³⁸ It also engaged in a brutal war with the Gulf cartel. As its influence rose in the early 2000s, the group operated in ten states in Mexico City.¹³⁹ Its activities mainly focused on drug trafficking. The BLO is especially notorious for successfully infiltrating security and political forces, including at the highest levels of government.¹⁴⁰ The group was seriously weakened by numerous arrests and murders, including of all the Beltran Leyva brothers (its founders and leaders), but it remains influential and is regaining influence in some states, including Morelos, Guerrero and Sinaloa.¹⁴¹

GANG VIOLENCE IN EL SALVADOR

When the Salvadorian civil armed conflict ended in 1992, the military was forced to demilitarize and disarm, the country was in poverty, there was an absence of a strong

nized-crime-news/familia-michoacana-mexico-profile/ (last accessed 4 December 2017); Beittel, 'Mexico', supra fn 63, p 20.

¹³⁵ Beittel, 'Mexico', supra fn 63, p 20; Ávalos, 'Familia Michoacana', supra fn 136.

¹³⁶ Ávalos, 'Familia Michoacana', supra fn 134.

¹³⁷ Beittel, 'Mexico', supra fn 63, p 20; Ávalos, 'Familia Michoacana', supra fn 134.

¹³⁸ Beittel, 'Mexico', supra fn 63, p 19.

¹³⁹ InSight Crime, 'BLO', <https://www.insightcrime.org/mexico-organized-crime-news/beltran-leyva-organization-profile/> (last accessed 4 December 2017).

¹⁴⁰ Beittel, 'Mexico', supra fn 63, p 20.

¹⁴¹ Ibid.

state and the youth lacked economic opportunities in the fragile post-conflict society.¹⁴² This led to widespread lack of security throughout the country and, combined with the fact that Salvadorian gang members (with criminal records undisclosed to the Salvadorian authorities)¹⁴³ were being deported from the US to El Salvador, gave way to the installation and expansion of gang culture within El Salvador. The majority of the present-day gangs appeared by the end of the civil war.¹⁴⁴

El Salvador has been and still is extremely affected by its high rate of violence: ‘The country registered an extraordinarily high intentional homicide rate of around 103 per 100,000 population in 2015. No other country in the world presently registers annual homicide rates that even come close to those of El Salvador in 2015’.¹⁴⁵ Indeed, such data suggest that in recent years El Salvador has been second only to Syria in the overall rates of annual violent deaths of any country in the world, and the situation there is in fact more deadly than the majority of the armed conflicts currently taking place across the globe.¹⁴⁶ By 2016, the violent homicide rate was around 81.7 per 100,000 population (approx. 5,278 people) and so far in 2017, 2,705 violent homicides have been reported.¹⁴⁷ As recalled by David Cantor, the overt increase in social violence is driven primarily by a particular element of organized crime: the street gangs of the Northern Triangle countries (Guatemala, Honduras and El Salvador). As an indication of their role in violence in El Salvador, official statistics suggest that around two-thirds of the many homicides registered in 2015 were committed by gang members.¹⁴⁸ Allegedly, corruption within the police, military and state organs has a big impact on the growth and expansion of the gangs in El Salvador.¹⁴⁹

Indeed, such data suggest that in recent years El Salvador has been second only to Syria in the overall rates of annual violent deaths of any country in the world, and the situation there is in fact more deadly than the majority of the armed conflicts currently taking place across the globe.

142 D. J. Cantor, ‘As Deadly as Armed Conflict? Gang violence and Forced Displacement in the Northern Triangle of Central America’, 23 *Agenda Internacional* Año 34 (2016), 84.

143 T. Diaz, ‘No Boundaries: Transnational Latino Gangs and American Law Enforcement’, University of Michigan Press, 2009, p 164.

144 Cantor, ‘As Deadly as Armed Conflict?’, supra fn 142, 84.

145 Ibid, 81.

146 Ibid, 82–83.

147 ‘El Salvador vivió el sábado el “día más violento” del 2017 con 40 asesinatos’, *La Prensa Gráfica*, 26 September 2017, <https://www.laprensagrafica.com/elsalvador/El-Salvador-vivio-el-sabado-el-dia-mas-violento-del-2017-con-40-asesinatos-20170926-0001.html>.

148 Cantor, ‘As Deadly as Armed Conflict?’, supra fn 142, 84.

149 J. M. Cruz, ‘How Political Violence Fuels Gang Violence in Central America’, *Pacific Standard*, 27 October 2017, <https://psmag.com/news/political-corruption-and-gang-violence-in-central-america>.

AN OVERVIEW OF THE MAIN GANGS

Street gangs (*maras*) are a variant of the classic territorially organized crime groups, and their main distinguishing feature is that they are comprised almost entirely of youth (‘youth’ being extended to the 20–30 age range). In the region, they are usually not classified as ‘organized crime groups’ because their focus is not on financial gain.¹⁵⁰ Acquisitive crime is but one means of dominating territory.¹⁵¹ *Maras* control territories and demand the payment of a certain amount ‘rent’ to guarantee their protection of the community/neighbourhood. They mainly focus on charging this ‘tax’ to workers in the public transportation business, merchants and, on some occasions, institutions like private schools.¹⁵² Currently in El Salvador, the two most dangerous and well known *maras* are the *Mara Salvatrucha* (MS-13) and *Mara ‘Barrio 18’* (MS-18), who are historical rivals.

The UN Office on Drugs and Crime (UNODC) has concluded that *maras* MS-13 and M-18 appear to be involved in the theft and robberies, extortion, street-level drug trafficking, migrant smuggling, human trafficking, murder-for-hire and

firearms trafficking.¹⁵³ These gangs either have connections in the US or emigrate from El Salvador and operate drug trafficking, arms trafficking and human trafficking enterprises, revealing the transnational nature of the criminal networks. Consequently, policies adopted to deal with this menace have

a direct effect on the US.¹⁵⁴ *Maras* claim they do not have an ideology that seeks to topple the Government, nor do they have an interest in creating political parties. However, Cantor notes that ‘the supra-national gang structures of the MS-13 and MS-18 and local street gangs affiliated with one or other structure violently dispute the control of territories and populations in a similar way to that of armed actors in an armed conflict’.¹⁵⁵ These Salvadorian locally affiliated gangs are increasingly well-armed with M-16, AK-47 and

150 UNODC, *Transnational Organized Crime in Central America and the Caribbean: A Threat Assessment*, September 2012, p 27, https://www.unodc.org/documents/data-and-analysis/Studies/TOC_Central_America_and_the_Caribbean_english.pdf (last accessed 6 December 2017).

151 Ibid.

152 G. Arias, ‘Asi funcionan las pandillas en El Salvador’, *La Nación*, 8 August 2015, <http://www.nacion.com/el-mundo/politica/asi-funcionan-las-pandillas-en-el-salvador/MOKLTQVST-5GORALFVU3V6E6ZWM/story/>.

153 UNODC, *Transnational Organized Crime*, supra fn 150, pp 5, 27–28.

154 C. Carballo, ‘El Salvador’s Crime Prevention Policies - from Mano Dura to El Salvador Seguro’, Naval Postgraduate School thesis, 2015, p 12.

155 D. J. Cantor, ‘The New Wave: Forced Displacement Caused by Organized Crime in Central America and Mexico’, 33 *Refugee Survey Quarterly* 3 (2014), 49–50.

Galil rifles¹⁵⁶ (considered a war weapon in Salvadorian legislation), grenades and military hardware, which points to another similarity between non-state armed groups ‘in scenarios of low-intensity armed conflict’.¹⁵⁷

Furthermore, armed attacks between the police and military agents and gangs have become very common. By September 2015, since the beginning of the year, 432 gun fights between officers and alleged gang members were reported, an annual increase of 171 percent.¹⁵⁸ Armed attacks between gangs have also been very frequent since the end of the civil war, even within prison facilities. According to the Global Report on Internal Displacement, the number of civilians fleeing conflict and violence in El Salvador during 2016 rose to up to 220,000,¹⁵⁹ which could be an indicator that the intensification of armed attacks between gangs and the police/military have triggered an increase in displacement.¹⁶⁰

This, among various other factors, has led the International Institute for Strategic Studies (IISS), in its 2016¹⁶¹ and 2017¹⁶² Armed Conflict Survey to consider El Salvador as a country where active armed conflict persists.¹⁶³

The Salvadorian Minister of Defense has stated that there are approximately 60,000 gang members in El Salvador, according to its security organs,¹⁶⁴ while the country has a combined police force and army of 50,000 officials. A study conducted by the Salvadorian Ministry of Defense has estimated that 10 percent of the country’s inhabitants work directly for the two main armed groups.¹⁶⁵ In addition, if a family member is a gang member it is complicated to dissociate the whole family from the gang. In cases where

156 R. Valencia, ‘Las maras se arman con fusiles de la guerra civil’, *El Faro*, 7 September 2016, <https://elfaro.net/es/201609/salanegra/19208/Las-maras-se-arman-con-fusiles-de-la-guerra-civil.htm>.

157 Cantor, ‘As Deadly as Armed Conflict?’, supra fn 144, 86.

158 IISS, *Armed Conflict Survey 2016*, p 305.

159 Internal Displacement Monitoring System, *Global Report on Internal Displacement 2017*, <http://www.internal-displacement.org/global-report/grid2017/> (last accessed 6 December 2017), pp 22–23.

160 P. Asmann, ‘Conflicto y violencia siguen atizando el desplazamiento en Latinoamérica: Informe’, *InSight Crime*, 23 May 2017, <https://es.insightcrime.org/noticias/noticias-del-dia/conflicto-violencia-siguen-atizando-desplazamiento-latinoamerica-informe/> (last accessed 1 December 2017).

161 IISS, *Armed Conflict Survey 2016*, supra fn 158, pp 303–309.

162 IISS, *Armed Conflict Survey 2017*, supra fn 71, pp 327–335.

163 Carballo, ‘El Salvador’s Crime Prevention Policies’, supra fn 154, p 5.

164 T. Molina ‘Pandilleros de El Salvador superan en numero a efectivos de seguridad’, *PanAm Post*, 23 October 2015, <https://es.panampost.com/thabata-molina/2015/10/23/pandilleros-de-el-salvador-superan-en-numero-a-efectivos-de-seguridad/>.

165 H. Van Offel, G. Roudier and S. Avalos, ‘Salvador: un Etat sous contrôle’, *ARTE*, 30 January 2016, <http://info.artetv.fr/salvador-un-etat-sous-controle>.

gang members are declared insubordinate or make mistakes while carrying out criminal duties, their families may face persecution or death.¹⁶⁶ MS-13 gang members are not allowed within territories controlled by other maras and vice versa; the price for crossing over can result in death.¹⁶⁷ It is also very dangerous for young people who are non-gang members to cross from one territory to another as this could prompt their being mistaken for an enemy gang member.¹⁶⁸

MS-13 and MS-18 are not the only gangs operating in El Salvador; however, they have the broadest membership, possess the most territorial influence¹⁶⁹ and are considered

the most dangerous and lethal.

Each gang also has its own hierarchy, codes of conduct and rules.¹⁷⁰ The magnitude of the two gangs’ power was evidenced in 2015, when they were responsible for a national transportation strike – with the objective of forcing negotiations with the Government – which paralysed activities throughout

the country, and during which some workers in public transportation were killed for not obeying the gangs’ orders.¹⁷¹

MARA SALVATRUCHA (MS-13)

MS-13 was created by Salvadorian immigrants who fled the country during the civil war (1980–1992) and settled in the US in the 1980s. The gang first appeared as a means of protecting the Salvadorian community from other gangs and ethnic communities, and other Central American immigrants joined rapidly. At the end of the Salvadorian civil war, the US started deporting Central American immigrants convicted of certain offences. These deportees effectively imported a Los Angeles-style gang culture to the post-conflict societies of El Salvador, Guatemala and Honduras. This gang has a presence in El Salvador,

166 ‘La Mara Salvatrucha se divide en MS-13 y en MS-503 y ordenan purga de cabecillas’, *elsalvador.com*, 27 April 2017, <http://www.elsalvador.com/noticias/nacional/341973/la-mara-salvatrucha-se-divide-en-ms-13-y-en-ms-503-y-ordenan-purga-de-cabecillas/>.

167 ‘Maras controlan la capital Salvadoreña’, *Elsalvador.com*, 19 December 2015, <http://www.elsalvador.com/noticias/nacional/170517/maras-controlan-la-capital-salvadorena/>.

168 OHCHR, *Statement on the Conclusion of the Visit of the UN Special Rapporteur on the Human Rights of Internally Displaced Persons, Cecilia Jimenez-Damary to El Salvador – 14 to 18 August 2017*, 18 August 2017, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21984&LangID=E> (last accessed 1 December 2017).

169 IISS, *Armed Conflict Survey 2017*, supra fn 71, p 332.

170 ‘Conozca los codigos y reglas del barrio 18 y la Mara Salvatrucha’ *El Heraldo*, 29 April 2016, <http://www.elheraldo.hn/pais/954755-466/conozca-los-codigos-y-reglas-del-barrio-18-y-la-mara-salvatrucha>.

171 ‘El paro que demuestra el poder de las maras’, *BBC Mundo*, 25 July 2015, http://www.bbc.com/mundo/noticias/2015/07/150729_america_latina_el_salvador_maras_pandillas_paro_transporte_aw.

Guatemala, Honduras, Mexico, the US and Canada.¹⁷² There are said to have been 12,000 Mara Salvatrucha gang members in El Salvador by 2012. Recent information offered by the Salvadorian Minister of Justice and Public Security has confirmed that, due to discrepancies in the management of finances within MS-13, some of its ringleaders and members have created a rival faction called MS503.¹⁷³ The attacks between the factions are recurrent, even within prison facilities.¹⁷⁴ Allegedly, this gang is forming alliances, or fulfilling subcontracts, with Mexican cartels like the Zetas for drug trafficking and murder-for-hire purposes.¹⁷⁵

ORGANIZATION OF MS-13

- Organized in clicas: cliques in control of a small territory-neighbourhoods
- Cabecillas, palabreros or ranfleros: local leaders of the gang
- Maras permanentes: members with the longest experience in the gang
- Novatos and simpatizantes: rookies with less power
- Sicarios or gatilleros: members in charge of killings
- Comision: formed by the nine leaders of the most powerful clicas, whose functions may include the right to activate the 'luz verde', a green light to the death sentence on a mara member found guilty of insubordination

MARA BARRIO 18 (MS-18)

Unlike MS-13, MS-18 was created by Mexican immigrants in 1959 in the Pico Union district of Los Angeles, California. It was created as a means of protection against other ethnic gangs, and it incorporated other Latinos including Salvadorian refugees. Under the US immigration policies of the 1990s, foreign-born residents with criminal charges were deported to their home countries, many of them Salvadorian active gang members, thus contributing to the spread of gang culture in Central America. Presumably, this gang has a presence in the El Salvador, Guatemala, Honduras, Mexico, the US and Canada.¹⁷⁶ According to UNODC, in 2012 MS-18 had between 8,000 and 10,000 members in El Salvador.¹⁷⁷ Allegedly, it has a close relationship with the

172 S. Velázquez, 'MS13', InSight Crime, 9 March 2017, <https://www.insightcrime.org/el-salvador-organized-crime-news/mara-salvatrucha-ms-13-profile/> (last accessed 1 December 2017).

173 B. J., Argueta 'Por diferencias, la Mara Salvatrucha se separa y surge la MS503', Tiempo Digital, 2 May 2017, <http://tiempo.hn/mara-salvatrucha-se-separa-surge-ms503/>.

174 Ibid.

175 'Mara Salvatrucha (MS13)', InSight Crime, 11 January 2017, <http://es.insightcrime.org/noticias-sobre-crimen-organizado-en-el-salvador/mara-salvatrucha-ms-13-perfil> (last accessed 12 November 2017).

176 H. S. Ávalos, 'Barrio 18', InSight Crime, 13 January 2017, <https://www.insightcrime.org/el-salvador-organized-crime-news/barrio-18-profile/> (last accessed 12 November 2017).

177 UNODC, Transnational Organized Crime, supra fn 150, p 28.

Mexican Mafia and has established links with Mexican cartels like the Zetas and Sinaloa.¹⁷⁸

ORGANIZATION OF MS-18

- In 2005, it divided itself into two rival factions: the Revolucionarios and the Sureños
- Divided into clicas: local subdivisions, which are more or less independent of each other
- A hierarchy within cliques, but no chain of command for all members across North and Central America
- Ranfleros: clique leaders
- Llaveros: close partners of the leaders
- Soldados: subordinates of the llaveros.
- Chequeos: rookies.
- Rueda de barrio: brings together the ranfleros of the 15 most powerful clicas in the country

THE STATE'S RESPONSE

The need for anti-gang policies became evident with the rise in violent crimes and homicides carried out by gang members. President Francisco Flores (1999–2004) was the first to implement the Mano Dura policy in 2003, which consisted of arresting gang members, the removal of graffiti that usually portrayed the initials of the mara that controlled the neighbourhood or municipality and broad area sweeps in search of gang members.¹⁷⁹ From 2004, President Antonio Saca substituted this policy with the Super Mano Dura policy, which was more repressive and allowed the apprehension of those who appeared to be affiliated with maras. Unfortunately, these two policies exacerbated violence in the country, where maras retaliated by killing more civilians, police and military members; prison overcrowding was unprecedented; the gangs adapted to the repressive policies and started using higher-calibre weapons and the rate of extortion crimes intensified as gang members who were free had to provide for imprisoned gang members and their families. Sonja Wolf claims that 'the Super Mano Dura policies implemented in El Salvador were not only bad, but spectacularly ineffective.'¹⁸⁰

In 2012, a truce was signed between the two rival gangs, MS-13 and MS-18. Sponsored by the Catholic Church and in collaboration with the Salvadorian Government, the deal was that maras should stop the killings, both between gangs and of civilians, in return for better and less repressive

178 Ávalos, 'Barrio 18', supra fn 134.

179 S. Wolf, *Mano Dura: The Politics of Gang Control in El Salvador*, University of Texas Press, 2016, p 72, cited by Carballo, 'El Salvador's Crime Prevention Policies', supra fn 154, p 1.

180 Wolf, *Mano Dura*, supra fn 179, p 72, cited by Carballo, 'El Salvador's Crime Prevention Policies', supra fn 179, p 9.

prison conditions for gang members in jail. Unfortunately, this truce did not last the year and homicide rates spiked again after some months. With the former Government's entry into a truce, a 'dangerous message was being sent to the gangs and other criminal actors: the government can be held hostage with violence and criminal activity'.¹⁸¹ Cantor has also suggested that there are signs that some sectors within the gangs are becoming increasingly political in their visions, language and demands (noted especially when the truce was negotiated) and that MS-13 is sporadically igniting hostilities with state authorities and assassinating police and military personnel in a manner resembling that of the FARC in Colombia.¹⁸² The ability to speak with one voice and negotiate and conclude agreements was clearly noticeable when the truce between gangs was signed. However, due to the truce's failure, it remains uncertain whether the representatives had the power to enforce it. There have been new attempts to sign truces with the Government, but the latter says it will not give in to negotiation with criminals.¹⁸³

The Mano Super Dura policy was active until 2014. By 2015, the year when El Salvador reached its highest peak of violent homicides, the average rate of approximately 18 violent deaths per day in El Salvador exceeded the average rate of 16 violent deaths per day during the bloody civil war of the 1980s.¹⁸⁴ This was evidently a wake-up call for the current Farabundo Marti National Liberation Front Government, and the current Salvadorian President, Sanchez Cerén, created the National Council on Citizen Security and Coexistence (Consejo Nacional de Seguridad Ciudadana y Convivencia – CNSCC). The CNSCC created the Plan Safe El Salvador,¹⁸⁵ which tries to envision a holistic approach, both preventive and repressive, towards the problem by providing youth employment, focusing on education, increasing state presence in the 50 most violent municipalities, expanding security in public transport, cutting communication between imprisoned gang members and those who are free

The ability to speak with one voice and negotiate and conclude agreements was clearly noticeable when the truce between gangs was signed.



and controlling and prosecuting crime, etc.¹⁸⁶ However, aid workers like Gutman¹⁸⁷ have questioned this plan for its lack of effectiveness and not tackling the problem at its root, which is poverty. He states that no real positive result has been perceived because of the lack of consistency in the programmes carried out in municipalities, and there is no way that this plan, with its current strategy, will ever weaken gangs, much less eradicate them.¹⁸⁸ Additionally, in her latest visit to El Salvador, the Special Rapporteur on the human rights of internally displaced persons, noted 'a deeply worrying law enforcement deficit in El Salvador, its police and investigation service is overwhelmed and under-equipped to respond to the challenges they face'.¹⁸⁹

At the end of 2016, El Salvador, Guatemala and Honduras decided to launch the Tri-national Task Force, the main objective of which is to create a tripartite security unit composed of military personnel, national police, members of the Office of the Attorney General, the judicial system and other institutions of the three countries.¹⁹⁰ It seeks to maintain government control and public order in border communities, neutralize criminal gangs, impede the movement of criminal groups in the border area and reduce the level of drug trafficking, organised crime and petty crime, among other crimes in the region. The detention and extradition by the security units of gang members operating

181 S. Dudley 'El Salvador's Gang Truce: Positives and Negatives', InSight Crime, 10 June 2013, <http://www.insightcrime.org/investigations/el-salvadors-gang-truce-positives-and-negatives> (last accessed 11 November 2017).

182 Cantor, 'As Deadly as Armed Conflict?', supra fn 142, 87.

183 N. Rauda Zablah 'Sanchez Cerén: aunque algunos digan que estamos en una guerra, no queda otro camino', El Faro, 7 March 2016, https://elfaro.net/es/201603/el_salvador/18180/Sanchez-Ceren-Aunque-algunos-digan-que-estamos-en-una-guerra-no-queda-otro-camino.htm

184 Cantor, 'As Deadly as Armed Conflict?', supra fn 142, 84.

185 Consejo Nacional de Seguridad Ciudadana y Convivencia, Plan El Salvador Seguro, Executive Summary, 15 January 2015, <https://app.box.com/s/qk24npw6f2fqhti9p7hfdmto3kfvu7> (last accessed 6 December 2017).

186 Ibid.

187 President of the Forever Foundation in El Salvador.

188 R. Valencia 'Hay cero posibilidades de que las pandillas se debiliten con el modelo actual de prevención', El Faro, 25 October 2017, <https://elfaro.net/es/201710/salanegra/21038/Hay-cero-posibilidades-de-que-las-pandillas-se-debiliten-con-el-modelo-actual-de-prevencion>.htm.

189 OHCHR, Statement on the Conclusion of the Visit of the UN Special Rapporteur on the Human Rights of Internally Displaced Persons, supra fn 168.

190 J. Pelcastre, 'Northern Triangle Countries Create Trilateral Force', Diálogo, 9 December 2016, <https://dialogo-americas.com/en/articles/northern-triangle-countries-create-trilateral-force>.

in the borders have been reported.¹⁹¹

Allegations of an implicit recognition of 'war' during President Sanchez Cerén's speech in 2016 have been acknowledged.¹⁹² As part of the 'extraordinary measures'¹⁹³ implemented to tackle the issue of gangs and as a follow-up to his speech, the Salvadorian President ordered the creation of three battalions of 200 military agents, each comprised of the Special Reaction Forces, who are taught to shoot in a discriminate way, trained as snipers and taught how to deploy tanks. The training centre's motto seems to be: 'when colliding with the enemy, kill do not hesitate, the law is to kill or die'.¹⁹⁴ Among the other extraordinary measures adopted are the creation of a special regime of internment and isolation of gang leaders, the suspension of visits in prison, temporary detention centres in different places and suspended transfers of imprisoned gang members to judicial hearings.¹⁹⁵ All these measures were meant to expire by April 2017, but the Legislative Assembly decided to extend them until April

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2018.¹⁹⁶ Moreover, in their recent visits to El Salvador in 2017, both the UN High Commissioner for Human Rights and the UN Special Rapporteur on the human rights of internally displaced persons¹⁹⁷ were still alarmed by reports of extrajudicial killings and the return of anti-gang death squads.¹⁹⁸ In October 2017, the Inter-American Commission on Human Rights stated that it was almost certain that there was a pattern of extremely excessive use of force by state agents and that it deemed a country visit necessary.¹⁹⁹



191 IISS, *Armed Conflict Survey 2017*, supra fn 71, pp 331–332.

192 Rauda Zablah, 'Sanchez Cerén', supra fn 183.

193 A. Peralta, 'El Salvador extiende medidas extraordinarias contra pandillas hasta 2018', *PanAm Post*, 13 February 2017, <https://es.panampost.com/adriana-peralta/2017/02/13/salvador-medidas-extraordinarias/>.

194 *Prensa Libre*, 'El Salvador alista a su ejército para una "guerra" contra las pandillas', *Prensa Libre*, 13 April 2016, <http://www.prensalibre.com/internacional/el-salvado-se-alista-para-una-guerra-contra-las-pandillas>.

195 Peralta, 'El Salvador extiende medidas extraordinarias', supra fn 193.

196 *Ibid.*

197 OHCHR, *Statement on the Conclusion of the Visit of the UN Special Rapporteur on the Human Rights of Internally Displaced Persons*, supra fn 168.

198 OHCHR, 'Statement by UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein at the End of his Mission to El Salvador', 17 November 2017, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22412&LangID=E>.

199 IACHR, 'Report on the 164th Ordinary Period of Sessions of the IACHR', 12 October 2017, http://www.oas.org/en/iachr/media_center/PReleases/2017/157.asp (last accessed 2 December 2017).

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